

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-15440 - APPLICANT: HOWARD BOCK - OWNER:
CHETAK DEVELOPMENT CORPORATION**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Pawn Shop use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
5. No outdoor display, sales or storage of any merchandise shall be permitted.
6. Handicapped parking spaces shall be provided in accordance with code requirements.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is for a proposed pawn shop with waivers of the distance separation requirements from residential use and from financial institutions, at 2230 Paradise Road.

EXECUTIVE SUMMARY

The applicant seeks approval of a Special Use Permit for a Pawn Shop to be located at an existing shopping center on the northwest corner of Paradise Road and Sahara Avenue. The subject site does not meet the minimum distance requirements from residential use as the parcel is located 160-Feet from the boundary of a condominium subdivision where 200-Feet are required, therefore staff is recommending denial. Additionally, a Cash Loan business is located 958-Feet from the subject site at 432 Sahara. An active business license is still on file at the site of a former Cash Loan business in the suite adjacent to the subject site, although that storefront now operates as a sporting memorabilia business.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 05/18/77 | The City Council approved a Rezoning (Z-0020-77) from R-4 (High Density Residential) to C-1 (Limited Commercial) on the subject site. The Planning Commission and staff recommended approval. |
| 09/03/86 | The City Council approved a Plot Plan Review [Z-0020-77] of a proposed retail center with restaurant on the subject site. The Planning Commission and staff recommended approval. |
| 06/25/87 | The Board of Zoning Adjustment approved a Variance (V-0065-87) to allow 155 parking spaces where 188 spaces were required on the subject site. Staff recommended denial. |
| 08/19/87 | The City Council approved an appeal on the action by the Board of Zoning Adjustment to allow 155 parking spaces where 188 spaces were required on the subject site, thereby approving the Variance. The City Council deleted the previous condition requiring off-site employee parking. The variance was subject to review in one year. Staff recommended denial. |

- 08/17/88 The City Council approved a Required Six Month Review on the approved Variance (V-0065-87) to allow 155 parking spaces where 188 were required, subject to a one year review. Staff recommended approval.
- 08/02/89 The City Council approved a Required One Year Review on the approved Variance (V-0065-87) to allow 155 parking spaces where 188 were required, subject to a one year review. Staff recommended approval.
- 08/15/90 The City Council approved a Required One Year Review on the approved Variance (V-0065-87) to allow 155 parking spaces where 188 were required, subject to a one year review. Staff recommended approval.
- 01/16/91 The City Council approved a Variance (V-0147-90) to allow 155 parking spaces where 205 spaces were required on the subject site, subject to a one year review. Variance approval V-0065-87 was expunged upon final approval of V-0147-90. The Board of Zoning Adjustment recommended approval. Staff recommended denial.
- 01/22/92 The City Council approved a Required One Year Review on the approved Variance (V-0147-90) to allow 155 parking spaces where 205 were required, with no further review required. Staff recommended approval.
- 04/21/99 The Planning and Development Department administratively approved a Site Development Plan Review [Z-20-77(2)] for the existing fast food restaurant on this site.
- 01/12/98 The City Council denied a Variance (V-0099-97) to allow 123 parking spaces where 217 spaces is the minimum required and to allow a proposed fast food restaurant (McDonald's) to be 13.1 feet from the front property line where 20 feet is the minimum setback required. This action was an appeal of the denial of the Board of Zoning Adjustment. Staff also recommended denial.
- 04/13/98 The City Council approved a Site Development Plan Review [Z-0020-77(1)] for a proposed 3,087 square foot fast food restaurant (McDonald's) on the subject site. As a condition of approval, the City Council permitted the continuance of parking Variance V-0147-90, which allowed 155 spaces where 205 spaces are the minimum required on the site. The Planning Commission recommended approval. Staff recommended denial based on changes to the site since the 1991 parking variance approval and heavy traffic volume at the intersection of Sahara Avenue and Paradise Road.
- 10/03/01 The City Council denied a Rezoning (Z-0060-01) from C-1 (Limited Commercial) to C-2 (General Commercial) on the subject site. The Planning Commission and staff recommended denial.

- 12/04/02 The City Council approved the Vacation (VAC-0070-02) of a public alley directly adjacent to the subject site. The Planning Commission and staff recommended approval.
- 01/22/03 The City Council approved a Special Use Permit (SUP-1274) for a 14-foot by 48-foot off-premise advertising (billboard) sign to be 55 feet tall where 40 feet tall is the maximum allowed adjacent to the northwest corner of Sahara Avenue and Paradise. The Planning Commission recommended denial and staff recommended approval on 12/19/02.
- 04/06/05 The City Council approved a Required Two-Year Review (RQR-5925) of an approved Special Use Permit (SUP-1274) for a 55-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 2236 Paradise Road. The Planning Commission and staff recommended approval on 04/06/05.
- 04/06/05 The City Council approved a Special Use Permit (SUP-5912) for a Restaurant Service Bar on the subject site. Planning Commission and Staff recommended approval.
- 09/07/06 The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #56/rl).

Business License Information

While the subject site has been previously occupied within this existing shopping center, a business license history is not available. The last business to have operated in the suite at 2230 Paradise Road is Garage Clothing.

B) Pre-Application Meeting

- 07/18/06 A pre-application meeting was held to discuss the requirements for a special use permit for a pawn shop located at an existing shopping center at 2230 South Paradise Road. In addition, the applicant was informed that this would constitute a project of regional significance, as well as require waivers for the distance requirements for residential uses and financial institution, specified.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.6 acres

B) Existing Land Use

Subject Property: Shopping Center
North: Condominium
South: Resort Hotel and Casino
East: Service Commercial, Tourist Commercial
West: Service Commercial, Tourist Commercial

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: Unincorporated Clark County
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

Subject Property: C-1 (General Commercial)
North: R-4 (High Density Residential)
South: Unincorporated Clark County
East: C-1 (General Commercial)
West: C-2 (Tourist Commercial)

E) General Plan Compliance

The subject site is located in the Southeast Sector of the General Plan and is designated for commercial uses.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		
Gaming District	X	
Airport Overlay District	X	
Trails		X

Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

Redevelopment Plan Area

The subject property is located within the Las Vegas Redevelopment Plan Area. This area is also a part of the Neighborhood Revitalization Area, identified by the Las Vegas 2020 Master Plan as neighborhoods where existing residential uses should be protected and proposed commercial development should be designed within the context of a walkable environment. This Special Use Permit request is not directly related to these plans and policies.

Airport Overlay District

The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted by Title 19. The proposed building is in compliance with the 105-foot height restriction imposed by the North Las Vegas Airport Overlay District map.

Project of Regional Significance

The subject site has been deemed a Project of Regional Significance, discussed in greater detail under Interagency Issues.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500-Feet of unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received prior to the completion of this report.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Total	Handicap	Total	Handicap
Shopping Center	30,887 SF.	1/250 GFA	124	5 of Total	128	2 of Total

The site plan provided by the applicant depicts 128 parking spaces where 124 are required, including only 2 handicap accessible spaces where 5 are required. Additional research, however indicates that this shopping center provides 139 existing parking spaces including 7 handicap parking spaces. In the past, a Variance (V-0147-90) allowed 155 parking spaces where 188 were required. However, a 2006 revision to the Parking Requirements in Title 19.04 and 19.10 would require only 124 parking spaces at a shopping center of this size.

Three of the seven handicap parking spaces, however, do not meet the van accessibility requirements of Title 19.10. These three can be re-designated as two spaces with the proper adjacent aisle on each side and meet the requirements. If approved, this site plan must meet the minimum requirements for handicap parking.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Pawn Shop	<p>200-Feet from any parcel zoned or used for residential use.</p> <p>1,000-Feet from any other pawn shop or specified financial institution.</p>	<p>160-Feet from the north property line to the Bonita Terrace Apartments, a condominium subdivision.</p> <p>A cash loan business previously operated in the suite immediately adjacent to the proposed Pawn Shop and still has an active business license. However, this business has folded at this location and the suite is now occupied by part of a sports memorabilia store which has expanded within the shopping center. Another financial institution is located 958-Feet from the property line of the parcel, but more than 1,000-Feet from the proposed Pawn Shop.</p>

The proposed Pawn Shop does not meet the distance separation requirement from residential property nor from a specified financial institution. A Waiver of these requirements has been requested. The Parcel on which the subject site is located is 160-Feet from a condominium subdivision. In addition, a business license for a specified financial institution remains active for the suite immediately adjacent to the subject site, although that business is no longer in that location and the suite is now occupied by part of a sports memorabilia store which has expanded within the shopping center. Another specified financial institution is located 958 feet from the property line, although more than 1,000-Feet from the Pawn Shop suite.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Provided in sufficient numbers to meet the needs of development; located away from the street front and screened from view of rights-of-way, sidewalks and abutting properties; have solid metal gates, and a roof or trellis structure.	Existing

The site meets the requirements of Title 19.08 with regard to trash enclosures.

B) General Analysis and Discussion

- Zoning

The existing zoning is C-1 (Limited Commercial). This zoning is appropriate for the General Plan Land Use designation of C (Commercial). The proposed Pawn Shop use is allowed under that designation with approval of a Special Use Permit.

- Use

Pawn Shop is defined as follows:

A facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

The use as proposed by the applicant will meet this definition as outlined in the Code, and is a permitted use in the C-1 (Limited Commercial) zoning district with a Special Use Permit as sought by this application.

- Conditions

Pursuant to Title 19.04.050 the following conditions must be met for a Pawn Shop:

1. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.
2. No outdoor display, sales or storage of any merchandise shall be permitted.
3. No pawn shop shall be located on either side of Freemont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

The proposed Pawn Shop use will be established in an existing building and will be compatible with the adjacent commercial uses. The proposed use will not be in conformance with the requirements set forth in Title 19. This request will require a waiver from the separation requirement from residential land uses. The south property line of the Bonita Terrace Apartments are only 160-Feet from the north property line of the parcel where 200-Feet are required. In addition, the applicant is seeking waivers from the separation requirement of 1,000-Feet from a financial institution as a Cash Loan business maintains an active business license within the existing shopping center in the suite immediately adjacent to the subject site, and another is located 958-Feet from the property line.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Pawn Shop would be in a suite within an existing shopping center, which already has an active cash loan business license, and therefore the proposed use cannot meet the separation requirements from a Financial Institution, Specified. There is an additional Financial Institution, Specified which is also within the 1,000 Foot separation buffer creating an additional incompatibility. Furthermore, the parcel is less than the required 200 feet from the Bonita Terrace Apartments site. As a result of the failure to meet separation requirements on these three conflicts, staff cannot recommend approval for this special use permit.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

There are no physical constraints to the location of the proposed Pawn Shop use within the existing building on the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The primary access to the site is via Paradise Road, designated as a (100-foot) Primary Arterial roadway on the Master Plan of Streets and Highways, which will adequately serve the proposed Pawn Shop use. An additional driveway is accessed via Sahara Avenue, also a (100-foot) Primary Arterial roadway.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The Special Use Permit for a Pawn Shop requires separation from residential uses as well as from specified financial institutions. As the subject site fails to meet these separation requirements, the public welfare protections required in Title 19 may be compromised.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 110 by City Clerk

APPROVALS 0

PROTESTS 0